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May 10, 2002

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Art Unit: 3732

Commissioner for Patents Washington, D.C. 20231

U.S. Utility Patent Application

Appl. No. 09/721,107; Filed: November 22, 2000

For: **Intravascular Stent**

Inventor:

Dominik M. Wiktor

Our Ref:

PA 804 CON 9 (1737.2290009)

RECEIVED

TECHNOLOGY CENTER RETURN

Sir:

Transmitted herewith for appropriate action are the following documents:

- 1. Fee Transmittal (PTO/SB/17);
- Petition Under 37 C.F.R. § 1.59(b) to Expunge and Return Information 2. Unintentionally Submitted;
- One (1) return postcard; and 3.
- Our check no. 35114 in the amount of \$130.00 to cover the petition fee.

It is respectfully requested that the attached postcard be stamped with the date of filing of these documents, and that it be returned to our courier. In the event that extensions of time are necessary to prevent abandonment of this patent application, then such extensions of time are hereby petitioned.

Sterne, Kessler, Goldstein & Fox PLLC.: 1100 New York Avenue, NW: Washington, DC 20005: 202.371.2600 f 202.371.2540: www.skqf.com

Commissioner for Patents May 10, 2002 Page 2

The U.S. Patent and Trademark Office is hereby authorized to charge any fee deficiency, or credit any overpayment, to our Deposit Account No. 19-0036.

Respectfully submitted,

STERNE, KESSLER, GOLDSTEIN & FOX P.L.L.C.

David K. S. Cornwell Attorney for Applicant Registration No. 31,944

DKSC/RLP/awt Enclosures

SKGF_DC1:7591.1

PTO/SB/17 (10-01)

Approved for use through 10/31/2002. OMB 0651-0032
Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

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fee transmittal for FY 2002

Patent fees are subject to annual revision.

TOTAL AMOUNT OF PAYMENT

(\$)130.00

Complete if Known						
Application Number	09/721,107					
Filing Date	November 22, 2000 Dominik M. Wiktor Ralph A. Lewis					
First Named Inventor						
Examiner Name						
Group Art Unit	3732					
Attorney Docket No.	PA 804 CON 9 (1737,2290009)					

METHOD OF PAYMENT (check one)				FEE CALCULATION (continued)						
1. The Cor	3. ADDITIONAL FEES Large Entity Small Entity			Entity	RECEIVED					
	l _	_	_	_		MAY 1 4 2	20 02			
Deposit Account Number	19-0036		Fee Code	Fee (\$)	Fee Code	Fee (\$)	Fee D	escription	Fee paid	
Deposit Account Name	Sterne, Kessler, Gold	stein & Fox P.L.L.C.	105	130	205	65	Surcharge - late filing f	CHNOLOGY CEN	TEF R3700	
				50	227	25	Surcharge - late provisiona	I filing fee or cover sheet		
Charge Any Additional Fee Required Under 37 CFR §§ 1.16 and 1.17				130	139	130	Non-English specifi	cation		
Applicant cl	147	2,520	147	2,520	For filing a request fo	r ex parte reexaminati	on			
See 37 CFR			112	920*	112	920*	Requesting publication of action	f SIR prior to Examiner		
2. Payment End	losed:		113	1,840*	113	1,840*	Requesting publication of	f SIR after Examiner acti	on	
Check Credit card Money Order Other* *Charge any deficiencies or credit any overpayments in the fees or fee calculations of Parts 1, 2 and 3 below to Deposit Account No. 19-0036.				110	215	55	Extension for reply wi	thin first month		
	FEE CALCULAT	TION	116	400	216	200	Extension for reply wi	thin second month		
I. BASIC FILING	FEE		117	920	217	460	Extension for reply wi	thin third month		
Large Entity Sma	all Entity		118	1,440	218	720	Extension for reply wi	thin fourth month		
Fee Fee Fee Code (\$) Co		ption Fee Paid	128	1,960	228	980	Extension for reply wi	thin fifth month		
101 740 201	370 Utility filing	fee	119	320	219	160	Notice of Appeal			
106 330 206	165 Design filing	g fee	120	320	220	160	Filing a brief in suppo	rt of an appeal		
107 510 207	255 Plant filing t	fee	121	280	221	140	Request for oral hear	ing		
108 740 208	370 Reissue filir		138	1,510	138	1,510	Petition to institute a	oublic use proceeding	<u> </u>	
114 160 214	80 Provisional	filing fee	140	110	240	55	Petition to revive - un	avoidable		
			141	1,280	241	640	Petition to revive - un	intentional		
SUBTOTAL (1) (\$) 0.00				1,280	242	640	Utility issue fee (or re	issue)		
			143	460	243	230	Design issue fee			
			144	620	244	310	Plant issue fee			
			122	130	122	130	Petitions to the Comm	nissioner	130.00	
2. EXTRA CLAIM		ee from below Fee Paid	123	130	123	130	Petitions related to pr	ovisional applications		
Total Claims	- 20** = X	=	126	180	126	180	Submission of Inform	ation Disclosure Stmt		
		=	581	40	481	40	Recording each pater property (times numb			
Multiple Dependen	t	=	146	740	246		Filing a submission at (37 CFR 1.129(a))	•		
Large Entity Sma Fee Fee Fee	Fee Fee Des	cription	149	740	249	370	For each additional in (37 CFR 1.129(b))	vention to be examine	ed	
Code (\$) Cod 103 18 203	e (\$) 9 Claims in exc	ess of 20	179	740	279	370	Request for Continue	d Examination (RCE)		
102 84 202 104 280 204	42 Independent of 140 Multiple depe	claims in excess of 3	169	900	169	900	Request for expedited application	d examination of a des	sign	
108 84 209		ependent claims over original	Other fee	(specify) :						
110 18 210	patent	ims in excess of 20 and over	Other fee (specify) :							
SI	*Reduced by Basic Filing Fee Paid									
** or number previously paid, if greater; For Reissues, see above SUBTOTAL (3) (\$) 130.00										
SUBMITTED BY					<u> </u>	Complete (if applic	capie)			
Name (Print/Type) David (S. Cornwell				R	egistration ttorney/Agent	No.	31,944	Telephone 2	none 202-371-2600	
Signature				•		Date N	May 10, 2002			

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

n re application of:

Dominik M. Wiktor

Commissioner for Patents

Washington, D.C. 20231

Appl. No.

09/721,107

Filed: November 22, 2000

For:

Intravascular Stent

Confirmation No.

Art Unit:

3732

Examiner:

Ralph A. Lewis

Atty. Docket: PA 804CON 9 (1737.2290009/DKSC/RLP)

Petition Under 37 C.F.R. § 1.59(b) to Expunge and Return Information Unintentionally Submitted

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MAY 1 4 2002

TECHNOLOGY CENTER R3700

Sir:

This is a petition to the Commissioner to expunge and return information unintentionally submitted in the above-referenced application in response to an Office Action dated October 3, 2001 (PTO Prosecution File Wrapper Paper No. 4). The grounds and conditions for granting this petition are found in MPEP § 724.05 (II) entitled "Information Unintentionally Submitted in Application." The petition fee required pursuant to 37 C.F.R. § 1.17(h) is enclosed.

Applicant respectfully requests that a response and petition for extension of time under 37 C.F.R. § 1.136(a) signed by Bruce Collins, Reg. No. 20,066, and filed via Express Mail on April 3, 2002 (hereinafter "the unauthorized response") be expunged and returned to the undersigned attorney at the address indicated below.

In the above-referenced application, two responses were filed on April 3, 2002 to the Office Action dated October 3, 2001 (Paper No. 4). Applicant's former representative inadvertently filed an unauthorized response to the Office Action despite knowing of a

transfer of representation of the above-referenced application to Sterne, Kessler, Goldstein & Fox, P.L.L.C. The unauthorized response was made without Applicant's knowledge. At the same time, the undersigned attorney (Applicant's new representative) filed a different and separate response on behalf of and with the authorized consent of the Applicant. The response, also filed on April 3, 2002, entitled "Reply Under 37 C.F.R.sec. 1.111" was signed by the undersigned attorney and is the only properly filed response to the Office Action dated October 3, 2001 (Paper No. 4).

The filing of the unauthorized response was unintentional and without the consent of the Applicant. Failure to return the unauthorized response will cause irreparable harm to the Applicant because any arguments, admissions, or actions therein were not authorized by the Applicant, nor do these arguments, admissions, or actions reflect the opinion and/or position of the Applicant.

The unauthorized response has not been made available to the public, nor does

Applicant have any intention of making the response public at any time in the future.

Applicant is aware of the requirement to maintain the unintentionally filed document for the life of any patent that should issue from the pending application, and is committed to upholding this requirement.

The information recited in the response is not material information under 37 C.F.R. § 1.56. Any arguments, admissions or actions included therein that may support the patentability of the invention are not the opinion and/or position of the Applicant and should not therefore be considered material.

A check for \$130.00 is attached hereto to cover the petition fee under 37 C.F.R. § 1.17(h).

Applicant submits that the requirements of 37 C.F.R. § 1.59(b) and MPEP § 724.05(II) have been satisfied by this petition and that it is proper for the unauthorized and unintentionally submitted response filing (including the petition for extension of time under 37 C.F.R. § 1.136(a)) to be expunged and returned.

Accordingly, Applicant respectfully requests that the response and petition for extension of time under 37 C.F.R. § 1.136(a) filed by Bruce Collins, Reg. No. 20,066, via Express Mail on April 3, 2002 be expunged from the file wrapper of the pending application and returned to the address listed below.

Respectfully submitted,

STERNE, KESSLER, GOLDSTEIN & FOX P.L.L.C.

David K. S. Cornwell Attorney for Applicants Registration No. 31,944

Date: 5-10.02

1100 New York Avenue, N.W. Suite 600 Washington, D.C. 20005-3934 (202) 371-2600

SKGF_DC1:6961.1